

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**DENNY ROGERS AND MARIA CASAS**  
**Plaintiffs,**

**versus**

**USAA GENERAL INDEMNITY COMPANY**  
**Defendant.**

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**CIVIL ACTION NO. 4:18-CV-03967**

**JOINT NOTICE OF SETTLEMENT**

Plaintiffs, Denny Rogers and Maria Casas, and Defendant, USAA General Indemnity Company (“USAA GIC”), appearing in its fiduciary<sup>1</sup> capacity as the fiscal agent<sup>2</sup> of the United States and at the expense of the United States Treasury,<sup>3</sup> file this Joint Notice of Settlement. The Parties represent that this matter has settled, subject to FEMA concurrence, and the necessary documentation to seek and obtain FEMA concurrence is being submitted. The Parties anticipate that FEMA concurrence will be obtained, and the appropriate settlement documents will be drafted for execution.

The Parties ask for sufficient time to finalize settlement documents before the case is dismissed so that all settlement proceeds may be properly distributed. Ms. Casas passed away. Mr. Rogers is probating Ms. Casas’ will, and he anticipates being named the executor of her estate. The parties ask, however, for sufficient time to allow Mr. Rogers to finalize this process before finally dismissing this case.

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<sup>1</sup> See 44 C.F.R. § 62.23(f).

<sup>2</sup> See 44 U.S.C. § 4071(a)(1); *Gowland v. Aetna*, 143 F.3d 951 (5th Cir. 1988).

<sup>3</sup> See 42 U.S.C. § 4017(d)(1); *Van Holt v. Liberty Mutual Fire Ins. Co.*, 163 F.3d 161 (3d Cir. 1998).

Given the foregoing settlement, the Parties respectfully request that the Court cancel the status conference currently set for November 18, 2019, at 10:00 a.m. And that they not be required to appear for that hearing.

Additionally, the Parties ask the court to enter a conditional dismissal to allow for FEMA concurrence and for Mr. Rogers to finalize the probate proceedings so that the Parties can properly finalize settlement documentation. If the Parties are unable to finalize the settlement within the time the court permits, then they request the opportunity to re-open the case for further proceedings.

Submitted: November 16, 2019

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